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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/196,129 11/20/98 KATAFUCHI

T PMS257863

EXAMINER

MM91/0810

PILLSBURY MADISON & SUTRO LLP
INTELLECTUAL PROPERTY GROUP
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WASHINGTON DC 20005-3918

DOMBROSKE, G

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

08/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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11/96/29

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

**SUPPLEMENTAL
NOTICE OF ALLOWABILITY**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to the system filed on 3/27/96

☒ The allowed claim(s) is/are 1-14

☐ The drawings filed on _____ are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 7

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Notice of Draftperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

1. The information disclosure statement submitted on 30 March 2000 was filed after the mailing date of the Notice of Allowability on 13 March 2000. The submission is not in compliance with the provisions of 37 CFR 1.97 because it did not include the statement, petition and petition fee as required by 37 CFR 1.97(d). The issue fee in this application has been paid. As such, the period during which a petition under 37 CFR 1.97(d) may be filed has elapsed. Accordingly, the IDS will not be considered, but will be placed in the file. However, the application may be withdrawn from issue in order to file a continuing application under 37 CFR 1.53(b) or 1.53(d) upon the grant of a petition filed under the provisions of 37 CFR 1.313(b)(5). Alternatively, the other provisions of 37 CFR 1.313 may apply, e.g., a petition to withdraw the application from issue under the provisions of 37 CFR 1.313(b)(3) may be filed together with an unequivocal statement by the applicant that one or more claims are unpatentable over the information contained in the statement. The information disclosure statement would then be considered upon withdrawal of the application from issue under 37 CFR 1.313(b)(3).

2. Notwithstanding the discussion above, applicants indicate that the IDS filed on 30 March 2000 is a copy of an IDS filed on 20 November 1998. A review of the application file currently does not reveal the presence of an IDS filed on 20 November 1998. If applicants wish to rely on the 20 November 1998 date, it would be necessary to timely file a grantable petition requesting the acceptance of the 30 March 2000 IDS as a copy of the 20 November 1998 IDS, supported by appropriate evidence. The consideration of any such petition, including consideration of the question of whether it would be appropriate to file such a petition at this stage of prosecution, would not lie within the scope of authority of the primary examiner.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George M. Dombroske, whose telephone number is (703) 308-6721. If difficulty is encountered in contacting the Examiner due to voice mail problems, the Examiner may be reached via e-mail at George.Dombroske@uspto.gov. The Examiner will promptly respond to e-mail messages by telephone. Please be aware that current Office procedures do not authorize the communication of substantive information via e-mail, subject to the policy explained at MPEP 502.03.

The fax phone number for this Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



George M. Dombroske
08 August 2000